

Serial No. 10/791 .5
Amendment dated November 8, 2006
In Reply of Office Action dated September 22, 2006

REMARKS

Counsel for the Applicant wishes to express his appreciation for the courtesies of supervisor Examiner Patricia Bianco and Examiner Jasveer Singh on November 1, 2006. A rough draft was made of the claims for consideration at the interview. The present amendment includes the limitations discussed at the interview and presented in the rough draft and includes typographical additions such as apostrophes and typographical corrections.

Claim 8 has been amended to state that the fiber optic means is embedded as discussed on page 7 line 8.

Claim 24 is a new claim that has been added which covers the aspect of bending the proximal section to conform to the esophageal management device during insertion and withdrawal.

The amended claims now include the limitation that the esophageal airway management device guide is designed "for positioning extraglottic (EAD) and subglottic (SAD) airway devices. Sub-paragraph a) has been amended to state that the slender insert is a dual function invertable.

The Examiner's agreed that Virag et al. was obviated by the limitation "dual function invertable" insert since Virag et al.

Serial No. 10/791, 5
Amendment dated November 8, 2006
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could not possibly operate in a dual function manner because Virag et al. has an end which connects directly to the anesthesia supply line. It should also be pointed out that the inventor's device has an intermediate section which is stiffer than the proximal and distal sections. Virag et al. does not disclose this stiffness and as a matter of fact shows its intermediate section as being more flexible than the proximal or distal sections because of the need for flexibility to permit the line to be positioned so as to not interfere with injuries such as the face.

Virag et al. has its intermediate section outside of the throat of the patient since the intermediate section is the flexible portion which allows for repositioning the device in order to avoid the areas on the face where the physician is performing his surgery. Further, claim 1 now states that the intermediate section is positionable in the patient's throat.

None of the art of record including Merideth and Brain whether taken individually or in combination with Virag et al. teach the invention as now claimed. The Examiner's indicated a further search would be conducted and if nothing further developed, then the case would be allowed.

Serial No. 10/791, 5
Amendment dated November 8, 2006
In Reply of Office Action dated September 22, 2006

Again counsel for the Applicants wishes to express his appreciation for the assistance given by the Examiners at the interview and the helpful and thorough Office Action by Examiner Singh.

Counsel for the Applicant is available by telephone at area code (703) 685-5600 or at home at (703) 780-2409.

It is believed that no fee is due for this submission. However, should that determination be incorrect, Examiner Singh is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105 and notify undersigned counsel in due course.

Should any outstanding formal matters or other issues remain, Examiner Singh is requested to telephone B. Edward Shlesinger to resolve such.

Respectfully submitted,

Date:

November 8, 2006 B. Edward Shlesinger

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Serial No. 10/791, 5

Amendment dated November 8, 2006

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